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Committee on Economic, Social and Cultural Rights

Sixty-third session

Summary record (partial)* of the second part of the 1st meeting**
Held at the Palais Wilson, Geneva, on Monday, 12 March 2018, at 11.15 a.m.

Chair: Ms. Bras Gomes

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* No summary record was prepared for the rest of the meeting.

** The summary record of the first part of the meeting appears as document CCPR/C/SR.3453-E/C.12/2018/SR.1.

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The meeting was called to order at 11.15 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights

Submissions by national human rights institutions and non-governmental organizations

Bangladesh

2. **Mr. Hoque** (National Human Rights Commission of Bangladesh) said that the constitutional prohibition of gender-based discrimination did not apply to the private sphere, where women continued to be denied their dignity and de facto equality in relation to marriage, divorce, child custody and political empowerment. Anti-discrimination legislation should be enacted with immediate effect, in addition to the 2015 law guaranteeing the economic, social and cultural rights of ethnic minorities. Although the Government had officially recognized hijras as a third gender, a lack of guidance on how to identify them had led to the use of undignified clinical practices.

3. The scope of social security had been expanded, with increased protection for parents and older persons in particular. However, in the labour market, women often received lower wages than men and were largely confined to lower-level jobs and the informal sector. The Government should take immediate steps to prevent child labour, including employment in domestic work. While migrant labour was integral to the economy, the Government needed to address the situation of migrant workers, including undocumented migrants. It would be advisable for the Government to work on a mechanism to ensure the accountability of the private sector in that regard.

4. Urgent attention needed to be paid to the issue of displacements caused by natural disasters. The Government should also address the strain on social housing, as well as evictions related to changing land rights and private sector development. Moreover, any eviction of slum dwellers should follow due processes, and either an adequate notice period or compensation should be provided. Measures to increase the role played by tribal communities in security were welcomed.

5. Bangladesh had achieved gender parity in primary and secondary education at the national level. However, there was a high rate of adolescent pregnancy and the use of maternal health services remained low. Further efforts to enhance health services in poor areas were therefore needed, and health care should be made affordable and easily accessible.

Mexico

6. **Mr. Carmona** (National Commission of Human Rights) said that the State had allocated additional administrative resources to economic, environmental, social and cultural rights and had increased the effectiveness of those resources by abandoning formal criteria for implementing human rights legislation. However, it was necessary for the Government to have a public budget that was developed, implemented and monitored from a human rights perspective, in order to ensure that the needs of high-risk and marginalized groups would continue to be addressed in legislation and receive the resources required.

7. The Commission recommended that the Government should take significant steps to combat corruption, which negatively affected the enjoyment of human rights. Steps should also be taken to ensure that human rights defenders were able to carry out their work safely and securely, including those involved in activities related to, inter alia, extractive industries or the construction of dams and wind farms. Where necessary, indigenous peoples must be consulted before such work took place.

8. The State should promote the well-being of workers in the public and private sectors and equal access to work and social security, including ensuring the provision of pensions

to widows which had been denied on grounds of gender, economic status or health. Agricultural workers remained highly vulnerable and often did not enjoy the minimum standards of health care, social security and education. Labour and administrative laws should be harmonized with international legislation on the freedoms of trade unions, which continued to be restricted.

9. The State should reduce pollution and prevent the excessive exploitation and commercialization that negatively affected the right to water. Legislation at all levels should be harmonized in order to establish minimum standards for water companies and provide adequate water to rural communities. The public budget should be increased to construct, operate and maintain a greater number of water treatment plants. Furthermore, legislation and monitoring activities related to environmental issues should be expanded at all levels and relevant best practices promoted.

10. Authorities should work towards equitable distribution of housing and better quality basic services in order to reduce urban and social inequalities. It was necessary to harmonize legal frameworks and improve coordination among all levels of government in order to ensure the right to housing in the event of natural disasters.

11. The Government should implement an institutional and legal framework to resolve health problems related to malnutrition and obesity, especially among children. In addition, the management of financial resources allocated to cultural programmes should be assessed in order to increase the protection of cultural rights, particularly those of indigenous communities.

Niger

12. **Mr. Moussa** (Commission Nationale des Droits de l'Homme et des Libertés Fondamentales du Niger (National Commission on Human Rights and Fundamental Freedoms of the Niger)) said that although the universal right to education was enshrined in the Constitution, it was not effective in practice. The main barrier to access to education was the high rate of population growth, which led to a constantly increasing demand for education.

13. The State recognized the right to work of all citizens and had made efforts to guarantee fair wages and ensure safe and equitable working conditions. However, the effectiveness of that right needed to be improved, in view of the poor performance of the economy and the fact that salaries did not cover the cost of living, particularly in rural areas.

14. The right to food was also recognized in the Constitution, as were the rights to health, life, physical integrity and drinking water. Nonetheless, the implementation of that right remained challenging for the authorities, as some sectors of the population did not have access to sufficient food.

15. **Mr. Kerdoun** said that he would be interested to know what obstacles prevented access to education in the Niger.

16. **Ms. Liebenberg** said that she would appreciate further information on the mandate of the National Human Rights Commission of Bangladesh, including whether its work covered economic, social and cultural rights and whether its remit extended to the private sector.

17. **Mr. Sadi** said that he would appreciate clarification regarding the degree to which the national human rights institutions in Bangladesh, Mexico and the Niger were truly independent, given that they received government funding. He wished to know whether such a financial arrangement had an impact on their activities. He also wondered whether the issues raised by their representatives accurately reflected the most serious problems and challenges at the national level.

18. **Ms. Crăciunean-Tatu** asked whether the representative of the National Commission on Human Rights and Fundamental Freedoms of the Niger could provide information on the selection and appointment process for membership of the Commission and the mechanisms in place to ensure diversity and gender balance among its members.

19. **The Chair** invited the representatives of national civil society organizations in Bangladesh to address the Committee.

20. **Mr. Hossain** (Citizen's Initiative) said that the Dalit community in Bangladesh lacked access to education, employment and housing. Its members were mostly employed in manual jobs, had little education and no housing rights, and lived mainly in segregated, State-owned housing or on abandoned rural land. No specific resources were earmarked to support the Dalit community and there was inadequate funding from the national budget. The Government needed to develop targeted education and employment policies and take measures to protect the Dalit community from discrimination. Indeed, there was an urgent need for the Government to finally adopt pending anti-discrimination legislation and implement specific measures to meet the needs of the Dalit community.

21. **Ms. Malkani** (Center for Reproductive Rights) said that child marriage — a human rights violation with devastating consequences — was prevalent in Bangladesh, which also had the highest teenage pregnancy rate in the region. While the legislation on child marriage passed in 2017 imposed more severe penalties, it also contained retrogressive provisions: child marriage was permitted in special cases, "for the greater good" of the adolescent, with parental consent and judicial authorization. However, the new law set no minimum age and failed to define who was considered an "adolescent" or what constituted the "greater good". Neither did it provide for all marriages involving children to be declared null and void; instead, religious personal status laws would apply, and the validity of such marriages could not subsequently be challenged by a court order. There was also evidence that legislation on child marriage was inadequately enforced and there was little data available on prosecutions. Moreover, owing to the low rate of birth registration in Bangladesh, it was often difficult to provide adequate proof of child marriage. The practice of child marriage had long-term personal, social and economic consequences for girls and women; it frequently involved abuse and adversely affected girls' health and their access to education and employment opportunities. She urged the Committee to take into account the recommendations contained in the shadow report submitted by her organization.

22. **The Chair** invited the representatives of national civil society organizations in Mexico to address the Committee.

23. **Mr. Martínez** (Centro Mexicano de Derecho Ambiental (Mexican Environmental Law Center)) said that *amparo* proceedings were not an effective means of protecting constitutional rights; they were long and costly, and impediments included the fact that the burden of proof rested with applicants. Even in cases when protection was awarded, for example in relation to environmental claims, either orders to suspend projects or activities that caused harm were not enforced or arbitrary criteria were applied that benefited companies. Court decisions were not enforced in compliance with international standards, as the execution of judicial sentences depended on the goodwill of state and federal authorities.

24. **Ms. Pech** (Comunidades Mayas por la Defensa del Territorio (Mayan Communities for the Protection of Territory)) said that the Government permitted the plunder of indigenous lands by allowing their privatization and exploitation, with a devastating impact on communities. The introduction of genetically modified crops subsidized by the State and the deforestation of ancestral lands placed traditional crops, local biodiversity, indigenous customs and traditional knowledge at risk and violated the right of indigenous peoples to self-determination. Communities were becoming increasingly dispossessed and marginalized; the Government disregarded not only their rights but also their requests for dialogue aimed at ensuring sustainable development.

25. She urged the Committee to call on the Government to include indigenous peoples in the decision-making process, particularly with regard to land rights; to realize their right to self-determination; to recognize the right of indigenous peoples to their ancestral lands; and to secure the prior, informed and free consent of indigenous communities before any measure was adopted or implemented that could have a substantial impact on their way of life and culture.

26. **Mr. Ramírez** (Centro Mexicano de Derecho Ambiental (Mexican Environmental Law Center)) said that official statistics reflected only the existence of relevant

infrastructure rather than Mexicans' access to water and sanitation services. The liberalization of such services in the 1990s had given rise to monopolies and facilitated the commercialization of resources, in violation of Mexicans' human rights. Moreover, the distribution of water was based on outdated regulations that did not meet international standards. The Government had failed to update its legislative framework or allocate sufficient resources to maintain the existing infrastructure and ensure access to water in line with the provisions of the Covenant.

27. The Government needed to review its criteria for granting concessions for water use and to incorporate sustainability criteria in them. It also needed to reassess the concessions that it had granted, taking into account the local availability of water for domestic use and the needs of vulnerable and indigenous communities.

28. **Ms. Miranda** (FIAN International) said that in Mexico nearly 30 million people, particularly those from indigenous or rural communities and people with disabilities, lacked access to food. Malnutrition affected nearly 1.5 million children under the age of 5 years, while obesity and diabetes constituted a growing public health problem, affecting nearly 40 per cent of adolescents and 70 per cent of adults. Nevertheless, the Government had yet to adopt a framework law to combat the problem. Its national campaign against hunger had been limited in scope and had failed to adopt a coherent or culturally sensitive approach in order to achieve its aims or to reduce food poverty levels. Moreover, the distribution of processed foods had a negative impact on locally produced food, and government subsidies favoured large-scale producers and encouraged the use of dangerous chemicals and genetically modified crops.

29. The Government of Mexico needed to establish an institutional and legal framework to realize the right to food and nutrition, including measures to tackle malnutrition; to adopt and implement regulations in the agricultural sector to protect both farmers and consumers; to promote public policies to protect, preserve and foster biocultural heritage; to ensure that large-scale development projects had no adverse impact on the right to food, especially for indigenous peoples and rural communities; and to establish a moratorium on all genetically modified crops that posed a threat to crop diversity.

30. **Ms. Arana** (Defensoria del Derecho a la Salud (Office for Defence of the Right to Health)/International Baby Food Action Network) said that government budget cuts and corruption had adversely affected Mexicans' access to health, including to primary care, and the quality of health services. With regard to obstetric care, women were obliged to give birth in hospitals in order to obtain access to services, and the work of traditional midwives was effectively criminalized. Moreover, women giving birth were faced with the prospect of overcrowded hospitals, unnecessary surgery and obstetric violence.

31. The Committee was urged to recommend that the State party should abstain from further budget cuts in the fields of education and health; ensure oversight and accountability for those budget lines, particularly with regard to resources aimed at indigenous and vulnerable groups; protect women's right to decide over their own bodies and to choose when and how they gave birth; ensure high-quality and culturally appropriate obstetric care; and respect the work of traditional midwives.

32. **Ms. Luna** (Grupo de Información en Reproducción Elegida (Information Group on Reproductive Choice)) said that, in 2014, 12.7 per cent of maternal deaths were in women without social security or health insurance and 10.4 per cent were in uneducated women. Abortion, which was criminalized across almost the entire country, was a leading cause of maternal mortality, accounting for 9.2 per cent of maternal deaths in 2014. Although abortion in cases of rape was legal, health care professionals were reluctant to provide such services. Women who were not employed formally were denied access to social security benefits during pregnancy and birth, and State-sponsored childcare was made available only to widowed or divorced fathers.

33. **Ms. Guzman** (Comisión Mexicana para la Promoción y Defensa de los Derechos Humanos (Mexican Commission for the Promotion and Defence of Human Rights)) said that the policy on drugs did not guarantee the right to health, support disease prevention or uphold the principle of non-discrimination. There were few public policies to facilitate the dissemination of information on safe drug use. Furthermore, most drug addiction centres

were private and had been linked to serious human rights violations. All psychotropic substances should be decriminalized, in order to halt the arbitrary detention of drug users and help users gain access to health services.

34. **Mr. Soni Bulos** (Comisión Mexicana para la Promoción y Defensa de los Derechos Humanos (Mexican Commission for the Promotion and Defence of Human Rights)) said that forced internal displacement had increased as a result of the rise in violence and human rights violations driven by the military-focused security strategy. Although his organization's records showed that there were more than 300,000 internally displaced persons in Mexico, the Government had yet to officially quantify the number or acknowledge the problem.

35. **Ms. Montúfar Contreras** (Red Global para las Personas Indígenas con Discapacidad (Global Network of Indigenous Persons with Disabilities)) said that indigenous persons with disabilities valued their dual identity as indigenous persons and as persons with disabilities. Only one programme had been carried out that referred specifically to indigenous persons with disabilities; as the programme had not been adapted to their needs, however, they had been prevented from participating fully.

36. Indigenous women and girls with disabilities continued to suffer from systemic violence at the hands of carers and family members. Her organization urged the National Institute for Women to adopt protection measures against all forms of violence and facilitate access by indigenous women with disabilities to sexual health and maternity care services that were culturally relevant and which took account of their disabilities, through measures such as the development of guidelines for health care providers, including traditional midwives.

37. Indigenous children with disabilities were often separated from their families owing to a lack of appropriate services in their local communities, thereby putting them at risk of losing their indigenous identities. Furthermore, levels of education and literacy among indigenous persons with disabilities were low, and government programmes to promote employment among persons with disabilities failed to take the indigenous population into account. Despite its international commitments, Mexico struggled to develop public policies and programmes for indigenous persons with disabilities or to collect data on such persons, as all such initiatives needed to be approved by the Government before funding could be allocated. Her organization urged the Government to ensure that indigenous persons with disabilities were consulted with regard to all decisions that affected them.

38. **Ms. Amezcua** (Article 19) said that, since 2000, 112 journalists had been assassinated. Journalists who investigated areas of significant public interest, such as corruption, public security and organized criminal gangs, were at greatest risk. Government agents were suspected of involvement in more than half of the 426 attacks carried out against journalists in 2016, including two extrajudicial executions. Of the 58 assassinations recorded between 2006 and 2015, none had been resolved with due diligence. Although a specialist office of the public prosecutor for offences against freedom of expression had been established in 2010, it had had a limited impact; only 3 of the 799 investigations carried out had resulted in a conviction. Investigations did not comply with the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), and law enforcement authorities often disregarded lines of enquiry related to the victim's profession as a journalist. Moreover, public officials frequently failed to denounce such offences and sought actively to discredit the journalistic work of the victims.

39. **Mr. Arana** (Espacio de Coordinación de Organizaciones Civiles sobre Derechos Económicos, Sociales y Culturales (Platform for Coordination of Civil Society Organizations in the areas of Economic, Social and Cultural Rights)) said that corruption, conflicts of interest and State capture by private individuals and firms were features of Government policy that had led to widening inequality, environmental destruction and the privatization of public assets. A follow-up mechanism for the Committee's recommendations was urgently required, as the Government's reports contained numerous inaccuracies and falsehoods. Laws had been adopted that directly contradicted international human rights law, and budgets for protecting human rights had been reduced significantly, as money had been channelled away through corruption. In addition, human rights

violations perpetrated by companies had not been punished. His organization urged the Committee to recommend that the Government comply with its human rights obligations with regard to companies.

40. **Ms. Andrade Villanueva** (Colectivo Todos Somos Zeferino (We Are All Zeferino Collective)) said that her organization had been established following the arbitrary detention, torture and assassination of her husband, Zeferino, on 6 August 2017. After taking him into custody, the police had initially denied that he had died and had subsequently refused the family access to the body. The first autopsy had claimed that the cause of death was an overdose, but a second had shown that Zeferino had died from internal haemorrhage caused by torture. The family and community had requested the right to protest peacefully in response to police corruption and the lack of justice, but they had been denied.

41. **Mr. González** (Red Nacional de Defensoras de Derechos Humanos en Mexico (National Network of Women Human Rights Defenders in Mexico)) said that there were no laws in Mexico to ensure that the indigenous populations were consulted regarding government decisions that affected their territories. Moreover, the 2013 constitutional reform had legalized the allocation of contracts and the award of large-scale mining projects to foreign companies, thereby disregarding the constitutional right of indigenous populations to their territories.

42. An attempt was being made to privatize the health sector; health infrastructure was gradually being dismantled, and public hospitals and clinics were being abandoned owing to a lack of resources. The Government was also taking steps to privatize education. It had placed responsibility for educational costs on parents and had introduced a performance evaluation mechanism for teachers that violated their employment rights.

43. Mexico was experiencing a human rights crisis characterized by insecurity, violence and serious violations, in particular forced disappearances, extrajudicial assassinations, torture and impunity. Persons living in poverty, migrants, asylum seekers and displaced persons were particularly at risk.

44. **Mr. González** (Consejo Regional Indígena y Popular de Xpujil (Xpujil Indigenous People's Regional Council)) said that the large-scale wind and solar power projects developed in his region had led to the dispossession of land, environmental destruction and violation of the cultural and economic rights of local populations, who had not been consulted in advance. Local populations had been granted little compensation and received no share of the profits.

The discussion covered in the summary record ended at 12.30 p.m.